



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: July 16, 2003

LOG NUMBER: GH-D9449-01

| <u>PERMITTEE</u> | <u>AUTHORIZED AGENT OR CONTRACTOR</u> |
|--|--|
| Washington State Department Of Transportation (WSDOT) Transportation Building ATTENTION: Gregor Myhr 310 Maple Park Avenue S.E. P.O. Box 47300 Olympia, WA 98504-7300 | Not Applicable |

PROJECT DESCRIPTION: Statewide Freshwater Sediment Test Boring/ Geotechnical Survey

PROJECT DESCRIPTION FOR DATABASE: Scientific Instruments, new, temporary, moveable, freshwater, on bed.

PROJECT LOCATION: Statewide Fresh Waters

| <u>#</u> | <u>WRIA</u> | <u>WATER BODY</u> | <u>TRIBUTARY TO</u> | <u>1/4 SEC.</u> | <u>SEC.</u> | <u>TOWNSHIP</u> | <u>RANGE</u> | <u>COUNTY</u> |
|-----------------|--------------------|--------------------------|----------------------------|------------------------|--------------------|------------------------|---------------------|----------------------|
| .99.0000 | | ALL FRESH WATERS | ALL | VARIOUS | VAR | VARIOUS | VARIOUS | ALL |

NOTES

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Washington State Fish and Wildlife Codes. It is the permittee's responsibility to apply for and obtain any additional authorization from other public agencies (local, state and /or federal) that may be necessary for this project.

Compliance with this HPA does not ensure compliance with the Federal Endangered Species Act (ESA) or any other local, state or federal laws.

See the most current Memorandum of Agreement, between Washington Department of Fish and Wildlife (WDFW) and WSDOT for guidance on procedures for emergencies, maintenance, and dispute resolution.

While we are authorizing access to these sites, when placing or removing temporary floating work platforms vehicle access shall be by routes, which minimize impacts to shoreline vegetation.

PROVISIONS

1. PROJECT DESCRIPTION:

This, HPA authorizes only sediment test sampling as described in the JARPA submitted July 16, 2003. Any additional, related work shall require a separate HPA from WDFW.

- 2. TIMING LIMITATIONS:** The project may begin **Immediately** and shall be completed by **July 15, 2008**, provided: Work may occur at anytime of the calendar year provided impacts to fish are avoided. Avoidance can best be met by:
- Whenever possible projects shall be conducted only during the time periods specified in the attachment "Allowable In-water Work Windows for Fresh Water." and/or
 - Conducting work when the stream is predicted to ensure that the stream remains in a low flow stage during work activities involving the stream.



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3. **PLANS:** Work shall be accomplished per plans and specifications described in the above referenced JARPA and submitted to the WDFW, except as modified by this HPA. These plans reflect design criteria per Chapter 220-110 WAC. These plans reflect mitigation procedures to significantly reduce or eliminate impacts to fish resources. A copy of these plans shall be available on site during construction.
4. **NOTIFICATION:** The Regional Habitat Program Manager (RHPM), at the local regional office in the attached list of WDFW regional offices, shall be notified (letter or fax) at least three (3) days prior to the start of the project activities. The notification shall include:
 - a. The permittee's name, contact person and telephone number.
 - b. The control number for this HPA.
 - c. Project location, including water body name, local description, latitude, longitude.
 - d. Starting date for work and estimated ending date for project activity.
5. **ANNUAL REPORTING:** WSDOT shall submit to the Habitat Program, 600 Capital Way N, Olympia, WA 98501, a calendar year annual report of Freshwater Core Drilling Geotechnical Survey Projects, by December 31 of the following year or in the final year of the HPA, prior to the expiration date. An annual report is also required if no work was conducted. At any time if problems are experienced with implementation of this HPA, either the permittee or WDFW may request a joint review meeting. The annual report shall include:
 - a. General: Reporting agency, contact person, address, telephone number, date of report, time period.
 - b. Summary: The control number for this HPA, total number of individual projects by region and statewide.
 - c. Problem(s) encountered: Provision violation, notification, corrective action, impacts to fish life and water quality from problem. If the Environmental Compliance Assurance Procedure (ECAP) was used, what activity triggered the procedure. *[These may be highlighted and specified in this section or included in the full list of projects completed below].*
 - d. Recommendations for improvement to BMPs and mitigation *[Optional]*
 - e. List of individual projects completed: By region including water body name, bridge name, road number and milepost, latitude and longitude, date of work.
5. **HAZARDOUS SPILL AND EROSION CONTROL:**

As stated in the submitted plan, and agreed to by WSDOT, hazardous spill and erosion control prevention shall comply with the most current version of the Water Quality Implementing Agreement (WQIA) between WSDOT and the Washington Department of Ecology (Ecology).
6. **FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION:** If at any time, as a result of project activities, fish are observed in distress or a fish kill occurs, or water quality problems develop, immediate notification shall be made to the regional offices of WDFW and Ecology in the attached telephone lists of regional offices.

DRILLING ACTIVITIES:

7. No other excavation or fill work is authorized under this HPA.
8. A casing or other water isolation device /BMP shall be used to contain the boring operation and prevent water entry of all associated sediments and other materials, such as the water slurry used for drill lubrication and bentonite used to seal the boring hole after geo-technical data has been recorded and sampled. The discharge of turbid or slurry laden process



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water to state waters exceeding state water-quality standards is not authorized by this HPA.

9. After geotechnical information has been logged, the borehole and surface shall be restored to pre-project condition.
10. All waste material such as drill spoils and cuttings, construction debris, silt, excess dirt, excess gravel, or overburden resulting from this project shall be deposited above the limits of flood water in an upland disposal site that has appropriate regulatory approval.

EQUIPMENT:

11. Drilling equipment shall be checked daily for leaks, be well-maintained and kept in good repair to prevent the loss of lubricants, grease, and any other deleterious materials from entering the state waters.
12. No geared mechanisms (tires, tracks) shall enter the wetted perimeter. Truck mounted and tracked drilling equipment shall work from a location outside of the wetted perimeter unless working off of a temporary floating work platform.
13. Temporary floating work platform, shall not ground on the bed of state waters.
14. Equipment, except for barges, shall be parked above the Ordinary High Water Line (OHWL) after each days construction activities to prevent leakage or accidental spills into state waters.

RIPARIAN PROTECTION:

15. Care shall be used when accessing the site to minimize the disturbance of riparian vegetation. Shoreline vegetation shall be straddled with heavy equipment or be pruned as necessary, without damaging the roots, to allowed the operation of heavy equipment.
16. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Erosion control methods may include, but are not limited to filter fabric and immediate mulching of exposed areas. The use of rip rap or concrete/grout is NOT authorized by this HPA.
17. Alteration or disturbance of any vegetation shall be limited to that necessary to conduct the project. Within one year of project completion, altered or disturbed stream banks, shall be re-vegetated with native or other approved species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.
18. Measures shall be used to prevent damage to the vegetation in the riparian (streamside or shoreline) area located within 200 feet perpendicular to the water and adjacent tot he structure. Within the riparian area existing parking lots and open managed fields and lots may be used for staging work.

SEPA: Exempt, per WAC 197-11-835 & 840

APPLICATION ACCEPTED: July 16, 2003

ENFORCEMENT OFFICER: All Regional Offices [P3]

Teresa A. Eturaspe (360) 902-2557
Habitat Program

**for Director
WDFW**



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Enclosure(s): Allowable In-work Work Windows for Fresh Water
WDFW and Ecology Regional Offices

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.



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B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:

A person who is aggrieved or adversely affected by the following Department actions may request an formal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

WDFW CONTACT NUMBERS:

| | |
|-------------------------------|----------------|
| Region 1 - Spokane | (509) 456-4082 |
| Region 2 – Ephrata | (509) 754-4624 |
| Region 3 – Yakima | (509) 575-2740 |
| Region 4 – Mill Creek | (425) 775-1311 |
| Region 5 – Vancouver | (360) 906-6700 |
| Region 6 – Montesano | (360) 249-4628 |
| After hours/weekend statewide | (360) 902-2537 |

ECOLOGY CONTACT NUMBERS

| | |
|-------------------------------------|----------------|
| Central Region – Yakima | (509) 575-2490 |
| Northwest Region – Bellevue | (425) 649-7000 |
| Eastern Region – Spokane | (509) 456-2926 |
| Southwest Region – Lacey | (360) 407-6300 |
| After hours/weekend – above numbers | |
| Office of Permit Assistance - Lacey | (360) 407-7037 |
| | (800) 917-0043 |